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NOV 12 2004

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abundances of various proteins as compared to controls and that some of the proteins showing altered abundance are the same as those listed in the claims. This rejection is respectfully traversed.

The examiner has confused the two Anderson et al references. Anderson et al 1991 merely lists proteins found in rat livers. Only a few, such as MSN 413 HMG Co-A synthetase, were changed in abundance due to any drug treatment. These few are NOT listed in the present claims.

The list in Anderson et al 1991 Addendum 2: Tables 1-4 is a master list of proteins in the rat liver database. This is not a list of protein markers. This table is for all spots as stated on page 911, first column, lines 15-19, "The gel X-coordinates of all liver protein spots...(Table 1)..." and page 910, second column, last paragraph, "...are listed for each spot (Table 1)."

Anderson et al 1994 recites several proteins that appear to be protein markers for exposure to a pharmaceutical. However, none of these proteins is listed in the present claims above. Whether Anderson et al (either) discloses other protein markers for drug effects does not suggest that additional other markers exist and cannot suggest using the specific markers listed in the claims.

As a separate issue, neither Anderson et al reference discloses using an amount much greater than the effective amount and neither discloses using a toxic amount of the drug or treatment as claimed in the dependant claims. Furthermore, the previous Anderson references are comparing only single proteins, not patterns of plural proteins.

Therefore, neither Anderson et al reference teaches that the specifically claimed protein markers (or fragments thereof) are useful for determining toxicity or efficacy of an agent.

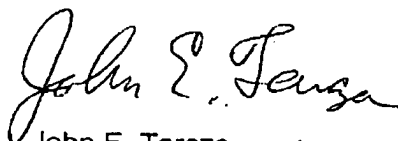
In view of the above amendments and comments, the claims are now in condition for allowance and applicants request a timely Notice of Allowance be issued in this application. If needed applicants petition for sufficient extension of time for consideration of this paper.

*Incomplete  
Missing pages  
1-14.*

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The commissioner hereby is authorized to charge payment of any fees, including extension of time fees, under 37 CFR § 1.17, which may become due in connection with the instant application or credit any overpayment to Deposit Account No.500933.

Respectfully submitted,



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